D.B. CIVIL SPECIAL APPEAL NO.147/2006

10.3.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P.VYAS

Mr.Sudheer Sharma, for the appellants
...

Heard the learned counsel for the appellants.

This appeal is directed against the judgment under appeal by which the writ petition filed by the petitioner was dismissed by the learned Single Judge holding that the writ petition filed by the petitioners is absolutely misconceived and relief which he has sought before the learned Single Judge about their preferential right to allotment cannot be granted in this writ petition.

Having perused the writ petition filed by the petitioner and the judgment under appeal, we are satisfied that so far as relief now sought by the petitioners about sustaining alleged temporary allotment was made in their favour and their claim to preferential allotment of one of land surrendered as surplus in the ceiling proceedings of their ancestors was not subject matter of writ petition and

could not have been examined in the writ petition. Therefore, the learned Single Judge was right in not considering this argument while hearing the writ petition challenging the ceiling proceedings initiated against their grand fathers. In view thereof, the impugned order does not call for interference.

If the petitioners have any claim to allotment of land surrendered by Mohan Singh in ceiling proceedings under the Rules, they may prosecute appropriate remedy independent of these proceedings and any observation made in this regard in the writ petition shall not come in their way for independently prosecuting such remedy.

Accordingly, the appeal fails and is hereby dismissed.

(R.P.VYAS)J (RAJESH BALIA)J.

SS/-